

Remarks/Arguments

Claims 1-8 are pending in the application. Claim 7 has been rejected under 35 § U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. Specifically, the Office has stated that “a reading mean for reading a number of product labels including at least one of a bar code label and a radio frequency identification label on the item” is missing. Applicant has amended claim 7 to appropriately recite the Office noted missing elements.

In addition to the above, the Office has rejected claims 1-5 and 7-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,286,762 to Reynolds et al. (Reynolds). Further, the Office has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Reynolds in view of U.S. Patent No. 5,121,103 to Minasy.

The § 102(b) Rejection over Reynolds

Regarding claims 1, 6, 7 and 8, Reynolds does not teach or suggest “*concurrently* generating a scan pattern for reading a barcode label and a sensing field for interrogating a radio frequency identification label” as required by Applicant (emphasis added). Rather, Reynolds discloses a data carrier reader comprising “an RFID tag reading section 30, a symbol reading section 32, a user input section 34, a user output section 36, and a communications section 38 all coupled by a bus 40” (*see* Reynolds, col. 3, lines 56-59). The “user input section 34” is further disclosed to include a “trigger 20,” a “mode switch 34,” and, possibly, “a user input device 58” wherein “[t]he bus 40 couples the mode switch 34 to the microprocessor 46” and “[i]n response to selection of the mode switch 34, the microprocessor 46 switches *between* the symbol reading mode and the RFID tag reading mode (*see* Reynolds, col. 5, lines 64-67 and col. 6, lines 1-3) (emphasis added). As such, Reynolds discloses methods and apparatus for *separately* generating a scan pattern for reading a barcode label and a sensing field for interrogating a radio frequency identification label, counter to the requirements of Applicant’s claims 1, 6, 7 and 8.

Further, Reynolds also does not teach “activating a good read indicator to indicate a *single* good read” if no item identification information is received in response to at least one of the generated scan pattern and sensing field as required by Applicant’s claims 1, 6, 7 and 8 (emphasis added). Rather, Reynolds discloses generating, for example, a “single beep each time *either* an RFID tag 12A, 12B or a machine-readable symbol 24A, 24B is successfully read” (see Reynolds, col. 8, lines 4-6). As such, the method and apparatus of Reynolds will produce two good read indications in the case of a successful read of both an RFID tag and a machine-readable symbol, while Applicant will activate a good read indicator only once in response to both a good RFID and barcode read. The result of this, and the above argument, is that Reynolds fails to teach all of the elements of Applicant’s claims 1, 6, 7 and 8. As a result, claims 1, 6, 7 and 8, and their dependents, are patentable over Reynolds.

The § 103(a) Rejection over Reynolds in view of Minasy

Generally, Minasy discloses an electronic theft detection system comprising a “novel interrogation antenna assembly” which is “minimally affected by the presence of nearby metal objects and which does not require retuning whenever the antenna system or the metal objects are moved” (see, e.g., Minasy, col. 2, lines 11-16). However, nowhere does the Office cite, nor has Applicant found, recitation in Minasy of any of the above noted deficiencies of Reynolds in disclosing required elements of Applicant’s invention including teaching a method of or device for “concurrently generating a scan pattern for reading a barcode label and a sensing field for interrogating a radio frequency identification label.” As Minasy fails to address the shortcomings of Reynolds, Applicant’s claims 1, 6, 7 and 8 are also patentable over Reynolds in view of Minasy.

Conclusions

In light of the foregoing, Applicant asks the Office to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully,



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